

In the matter of:

Brian L. Donnelly

2119 Old Pendleton Road
Easley, South Carolina 29642.

File Number 105744

Consent Order Revoking Resident Insurance Agent's License

This matter comes before me pursuant to an agreement entered into between the State of South Carolina Department of Insurance (Department) and Brian L. Donnelly, a licensed State of South Carolina resident insurance agent.

The Department and Brian L. Donnelly have entered into an agreement by which Donnelly acknowledges that while licensed by the Department to transact business as a resident agent within the State of South Carolina, he collected premiums from clients but failed to forward the premiums to Liberty Life Insurance Company (Liberty). This action is in violation of S.C. Ann. Section 38-43-130 (Supp. 2000) and can ultimately lead to revocation of his license to transact the business of insurance as a resident insurance agent in South Carolina following a public hearing at the Administrative Law Judge Division.

Heretofore, Donnelly has paid full restitution to Liberty and by letter dated January 11, 2001, the Department has voluntarily requested that his qualifications as an insurance agent in the State of South Carolina be removed, a copy of which is attached hereto as Exhibit A.

Donnelly hereby consents to this Order revoking his license to transact the business of insurance in South Carolina.

Rather than contesting this matter with a formal public hearing, the parties agreed to submit the entire matter to me, along with the specific recommendation, for my summary decision based solely on the record. That recommendation was that Donnelly waive his right to a public hearing and would voluntarily surrender his license for revocation.

Section 38-43-130 of the South Carolina Code provides, “The Director or his designee may revoke or suspend an agent’s license after 10 days’ notice or refuse to reissue a license when it appears that an agent has been convicted of a crime of moral turpitude, has violated this title or a regulation promulgated by the Department, or has willfully deceived or dealt unjustly with the citizens of this State.”

After a thorough review of the record, and in accordance with the agreement of the parties, I conclude that Donnelly's actions are in violation of Section 38-43-130, and that he should no longer be allowed to transact the business of Insurance.

By his signature upon this Consent Order Revoking Insurance Agent's License, Donnelly acknowledges that he understands this administrative order is a public record subject to the disclosure

requirements of the State of South Carolina's *Freedom of Information Act*, S.C. Code Ann. §§30-4-10, *et seq.* (1991 and Supp. 2000).


Nothing contained within this administrative order should be construed to limit, or to deprive any person of, any private right of action under the law. A criminal investigation was conducted by the South Carolina Attorney General's office regarding this matter and on April 12, 2001 a "Memorandum of Understanding" was entered into between the South Carolina Attorney General's office and Donnelly. The agreement required Donnelly to pay \$5,107.00 in restitution to Liberty Life Insurance Company on or before April 12, 2001. On April 26, 2001, all criminal charges regarding this matter were dismissed by the South Carolina Attorney General's office.

It is, therefore, ordered that the license of Brian L. Donnelly to do business as a resident insurance agent within the State of South Carolina be, and is hereby, revoked and that no license, issued through the Department, is to be issued to Donnelly.

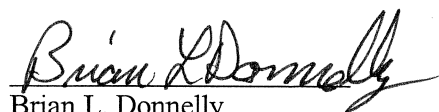
It is further ordered that a copy of this consent order be immediately transmitted to the National Association of Insurance Commissioners for distribution to its current member states and to each insurer for which Brian L. Donnelly is currently licensed to transact business as a resident insurance agent within the State of South Carolina.

This consent order becomes effective as of the date of my signature below.

~~October~~
September 18, 2001, at
Columbia, South Carolina


Ernst N. Csiszar
Director

I CONSENT:


Brian L. Donnelly
2119 Old Pendleton Road
Easley, South Carolina 29642

Dated this 28 day of September, 2001